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Technology Center 2100

In re Application of:
Stefan PLEISCH, et al.
Application No. 09/821,168
Filed: March 29, 2001
For: A FAULT-TOLERANT MOBILE AGENT
FOR A COMPUTER NETWORK

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed May 1, 2006 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the finality of the rejection mailed July 19, 2006.

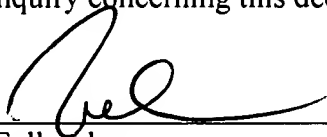
The Applicant's counsel filed a petition to the Director under 37 CFR § 1.181 to seek relief from actions of the Examiner in relation to the Final Office Action mailed March 16, 2006. In the petition, Applicant's counsel alleged that the finality of the office action was improper because the Examiner introduced a new ground of rejection in the Final Office Action that was neither necessitated by applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement.

A review of the file indicates that no IDS was submitted to cause the new grounds of rejection and that the amendment filed does not create any 35 USC 101 issues so therefore neither would justify a new grounds of rejection, therefore the finality of the March 16, 2006 office action is improper and hereby withdrawn.

Accordingly, the petition is **GRANTED**.

The application is being forwarded to the examiner for abandonment because no response has been filed in response to the March 16, 2006 office action. Petitioner is reminded that a petition filed does not stay the requirement to response to an outstanding office action. 37 CFR 11181(f).

Any inquiry concerning this decision should be directed to John Follansbee at (571) 272-3964.



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